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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,664	09/26/2001	Stewart Mark Nichols	05222.00161	3001
29638	7590	05/31/2006		EXAMINER
BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NO. 005222 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606				COUGHLAN, PETER D
			ART UNIT	PAPER NUMBER
				2129

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/868,664	NICHOLS, STEWART MARK
	Examiner Peter Coughlan	Art Unit 2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This office action is in response to an AMENDMENT entered April 10, 2006 for the patent application 109/868664 filed on September 26, 2001.
2. The First Office Action of January 10, 2006 is fully incorporated into this Final Office Action by reference.

Status of Claims

- 3 Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Corder**) being anticipated by Corder, U.S. 54302132.

Claims 1, 10, 19

Corder anticipates a processor that runs a computer program to create the presentation (**Corder**, C12:13-26); a memory that stores information under control of the processor (**Corder**, C13:42-50) matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task (**Corder**, C8:21-38; ‘Profile’, ‘simulation domain’, ‘set or criteria’ and ‘desired aspect’ of applicant is equivalent to ‘input’, ‘the system’, ‘decision rules’ and ‘determining students needs’ of Corder.); presenting information indicative of a goal (**Corder**, C5:28-53; The word ‘superintendent’ is broken down into syllabification so the student can learn each part through a speaker resulting in the student learning the word..): integrating information that motivates accomplishment of the goal (**Corder**, C7:35-44; ‘Integrating information’ and ‘accomplishment of the goal’ of applicant is equivalent to ‘immediate feedback’ and ‘how to take notes’ of Corder.); monitoring progress toward the goal determining at least one profile that is true, for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal (**Corder**, C7:35-44; ‘True’ of applicant is equivalent to ‘completeness’ of Corder. Corder illustrates feedback in this passage as well.); and displaying details of the computer-implemented method and displaying the presentation as the presentation executes, wherein the presentation provides a cognitive educational experience. (**Corder**, C6:27-37; ‘Displaying details’ of applicant is equivalent to ‘sequence of stimuli’ of Corder.)

Corder anticipates instantiating a particular feedback model based on characteristics of a target user. (**Corder**, C3:31 through C4:6; ‘Target user’ of applicant is based on ‘preliminarily evaluation’ of Corder.)

Claims 3, 12.

Corder anticipates receiving and analyzing user responses using an expert system to determine details of the computer-implemented method to display. (**Corder**, C3:31 through C4:6; Corder illustrates this in the passage ‘...the means for generating test stimuli and receiving the responses of the student to the stimulus...’)

Claims 4, 13.

Corder anticipates browsing details of an object as the presentation executes. (**Corder**, C6:67 through C7:34; ‘Details of an object’ of applicant is equivalent to ‘diverse subject matter’ of Corder.)

Claims 5, 14.

Corder anticipates displaying source code of the presentation as the presentation executes. (**Corder**, C517-27; ‘Displaying source code’ of applicant is equivalent to the results of the ‘display’ of Corder.)

Claims 6, 15.

Corder anticipates modifying the presentation based on a user indicia as the presentation executes. (**Corder**, C16:49-56; ‘Modifying’ and ‘user indicia’ of applicant are equivalent to ‘delete or modify’ and ‘identifiable characteristics’ of Corder.)

Claims 7, 16.

Corder anticipates capturing portions of the presentation in response to a user indicia as the presentation executes. (**Corder**, C6:14-20; ‘Capturing portions’ of applicant is equivalent to ‘evaluation of the student response’ of Corder.)

Claims 8, 17.

Corder anticipates tailoring feedback based on a user indicia as the presentation executes. (**Corder**, C6:14-20; ‘Tailoring feedback’ of applicant is equivalent to ‘formation of recommendations’ of Corder.)

Claims 9, 18.

Corder anticipates presenting a tailored simulation based on 1 user indicia as the presentation executes. (**Corder**, C6:1-20; ‘Presenting’ of applicant is equivalent to ‘delivery of the instructions’ of Corder.)

Claim 20.

Corder anticipates (d)(i) identifying a subset of the simulation domain from at least one characteristic of the profile (**Corder**, C9:3-13; A subset of the profile of

applicant is equivalent to 'touch screen, graphic table or pen & paper' of Corder.); and
(d)(ii) determining the feedback in accordance with the subset of the simulation domain.
(Corder, C6:27-37; 'Feedback' of applicant is equivalent to 'lessons' of Corder.)

Response to Arguments

5. Applicant's arguments filed on April 10, 2006 for claims 1-20 have been fully considered but are not persuasive.

6. Examiner withdraws objection of the labeling of the contents in claim 20.

7. In reference to the Applicant's argument:

Regarding claim 1, Applicant is amending the claim to include the feature of "monitoring progress toward the goal, determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal." (Emphasis added) The amendment is supported by the specification as originally filed. For example, the present patent application discloses (Page 9, lines 25-31. Emphasis added.):

Specifically, a profile is a set of criteria that is matched against the domain. The purpose of a profile is to check whether the criteria defined by the profile is met in the domain. Using a visual editing tool, instructional designers create profiles to identify those things that are important to know about the domain for a given task.

During execution of a BusSim application at the point that feedback is requested either by the student or proactively by the application, the set of profiles associated with the current task are evaluated to determine which ones are true. Example profiles include: Good productions

strategy but wrong Break-Even Formula; Good driving record and low claims history; and Cored Cash Flow Analysis but poor Return on Investment (ROI).

The combination of Amado, Tatsuoka, Foster, and Bogle fails to even suggest the feature of "monitoring progress toward the goal, determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal." The Office Action alleges that (Page 4. Emphasis added.):

... Foster teaches (b) presenting information indicative of a goal (page 178, right column, paragraph 3), (c) integrating (page 177, left column, paragraphs -2) information that motivates accomplishment of the goal (page 175, GO, LI,-BASED SCENARIOS section; page 176, left column), (d) monitoring progress toward the goal and providing feedback (page 185, left column, paragraphs 2-4) that further motivates accomplishment of the goal, wherein the feedback is in accordance with the profile and (e) displaying (page 181, The Recommendation Report section, paragraph 1) the presentation (page 181, Figure 3) as the presentation executes, wherein the presentation provides a cognitive educational experience

...

Foster does disclose (Page 185, left column, third paragraph. Emphasis added.):

Embedding skills to be learned within some target activity is characteristic of most apprenticeship styles of learning. 'Cognitive apprenticeship' (Collins et al., 1989) adapts characteristics of traditional apprenticeship instruction to cognitive processes. The GBS framework shares with cognitive apprenticeship an emphasis on the practice of skills with an authentic context, with both proposals drawing from prior work in situated cognition (Brown et al., 1989). Cognitive apprenticeship is based on the teaching methods of: (1) modeling or demonstration by an expert (like the expert analysis in FRA); (2) coaching, or immediate feedback to the student; and (3) scaffolding, or provision of tools, suggestions, and/or partial solutions.

Foster merely discloses "coaching, or immediate feedback to the student" and does not even suggest "determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile." moreover, Amado, Foster, Bogle do not remedy the deficiencies of Tatsuoka. Thus, claim 1 is patentable over Amado in view of Tatsuoka, Foster, and Bogle.

While the combination of Amado, Tatsuoka, Foster, and Bogle does not suggest all of the features of claim 1, one of ordinary skill in the art at the time of the invention would not even be motivated to combine the teachings. Claim 1 is directed to a computer-implemented method for creating a presentation that provides a cognitive educational experience. However Amado is directed to "data stored in databases and diagnostics generated that are used] definable interpretations of information in the database." (Amado, abstract) Bogle is directed to "an active debugging environment for debugging a virtual application that

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contain 3 program language code from multiple compiled and/or interpreted programming language .." (Bogle, abstract.) Amado and Bogle are not related to the field of providing a cognitive educational experience. There is a lack of motivation to combine the teachings, and thus the Office Action has not even established a *prima facie* case of obviousness.

Similarly, Applicant is amending claim 10 to include the feature of "logic that monitors progress toward the goal, determines at least one profile that is true for the current simulation task from a set of profiles, and provides feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal." Applicant is also amending claim 19 to include the feature of "monitoring progress toward the goal, determining at least one profile from that is true for the current simulation task a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal." Claims 10 and 19 are patentable for at least the above reasons. Claims 2-9, 11-18, and 20 ultimately depend from independent claims 1, 10, and 19, respectively, and are (patent) able for at least the above reasons. Applicant requests reconsideration of claims 1-20.

Examiner's response:

Corder anticipates monitoring progress towards a goal with the example of analyzing the notes taken by a student. Corder anticipates one profile that is true with the example of a task being complete. Corder anticipates feedback with the example of immediate feedback of the notes taken by the student and forwarded to the student. Corder anticipates motivation by illustrating how to 'teach the student'. Another example of 'motivation' by Corder is illustrated in C24:42-67. Corder displays a message from a 'teacher' to show encouragement, thus further motivating a student. (Examiner's Note—The word 'motivate' only shows up twice in the specification and does not clearly explain the applicants invention will 'motivate' a student/user in any sense.)

Examination Considerations

8. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

9. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

10. Examiner's Opinion: Paragraph 8 and 9 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Claims 1-20 are rejected.

Correspondence Information

13. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

Hand delivered to:

Receptionist,
Customer Service Window,
Randolph Building,
401 Dulany Street,
Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);
or faxed to:

(571) 273-8300 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Peter Coughlan



P.C.

5/24/2006